



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,620	07/30/2003	David A. Vogel	BDV009USU	9046

7590 11/12/2004
Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perl, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2636

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,620

Applicant(s)

VOGEL ET AL.

Examiner

Hung T. Nguyen

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 40-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 40-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/03, 4/19/04 & 6/21/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1 In the Claims, There is **missing** claim number 39 in the invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25, 27-31, 33-34, 38 & 40-48 are rejected under 35 U.S.C. (a) as being unpatentable over Lilienthal (U.S. 5,072,362) in view of Reppas et al. (U.S. 5,598,164).

Regarding claims 1 & 3-4, Lilienthal discloses a controller (2) for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's [figs.1-4, col.1, lines 61-64 and col.3, line 61 to col.4, line 59] comprising:

- a user interface with a mode selector (30,32,34) for setting from a keypad (36) input [figs.1-2, col.3, lines 55-60 and col.4, lines 31-39];
- a microprocessor (56) is connected to a control unit (40) for communicating with the mode selector (30,32,34) from the keypad (36) input and the horn (50) to facilitate the selective control of the horn [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Lilienthal does not specifically mention an installation type detector is used in the vessel's

Art Unit: 2636

horn.

Reppas teaches a plurality of detectors which could be used in the motor vehicle for detecting approaching obstacles [col.5, lines 1-21].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Reppas in the system of Lilienthal for determining a controller installation type which makes use of the existing navigational horn and horn switch as to have an additional horn signaling pattern mode selector.

Regarding claims 2 & 5-6, Lilienthal discloses the controller (40) is activated by the mode selector (30,34,36) or keypad input (36) and the microcontroller (56) determines that a key was pressed [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Regarding claims 7 & 40, Lilienthal discloses the controller (40) is activated by the mode selector (30,34,36) or keypad input (36) and the microcontroller (56) determines that a key was pressed [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Regarding claims 8-11, Lilienthal discloses a controller (2) for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's [figs.1-4, col.1, lines 61-64 and col.3, line 61 to col.4, line 59] comprising:

- a user interface with a mode selector (30,32,34) for setting from a keypad (36) input [figs.1-2, col.3, lines 55-60 and col.4, lines 31-39];
- a microprocessor (56) is connected the control unit (40) for communicating with the mode

Art Unit: 2636

selector (30,32,34) from the keypad (36) input and the horn (50) to facilitate the selective control of the horn [fig.2, col.4, lines 31-59];

- the controller (40) is activated by the mode selector (30,34,36) or keypad input (36)) and the microcontroller (56) determines that a key was pressed [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Lilienthal does not specifically mention an installation type detector is used in the vessel's horn.

Reppas teaches a plurality of detectors which could be used in the motor vehicle for detecting approaching obstacles [col.5, lines 1-21].

Therefore, it would have been obvious to one having ordinary skill in the art to use the teaching of Reppas in the system of Lilienthal for determining a controller installation type which makes use of the existing navigational horn and horn switch as to have an additional horn signaling pattern mode selector.

Regarding claims 12-14, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's [fig.2, col.3, line 61 to col.4, line 59].

Regarding claim 15, Lilienthal discloses the controller (40) is activated by the mode selector (30,34,36) or keypad input (36) which is programmable [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Art Unit: 2636

Regarding claims 16-18, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's which is programmable [fig.2, col.3, line 61 to col.4, line 59 and col.5, line 64 to col.6, line 68].

Regarding claims 19-23, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's which is programmable [fig.2, col.3, line 61 to col.4, line 59 and col.5, line 64 to col.6, line 68].

Regarding claims 24-25, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's which is powered by a power source is cited in figs.3a-3d, col.3, line 61 to col.4, line 59 and col.5, lines 9-13.

Regarding claim 27, Lilienthal discloses the microprocessor has a memory (44) for storing information as to automatic generate sound navigational signal's which is programmable [fig.2, col.5, lines 26-46 and col.5, line 64 to col.6, line 68].

Regarding claims 28-29, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal' [figs.3a-3d, col.3, line 61 to col.4, line 59 and col.5, lines 9-13].

Regarding claims 30-31, Lilienthal discloses the controller (2) for cooperating with a vessel's

Art Unit: 2636

existing horn (50) to automatic generate sound navigational signal's [figs.1-4, col.1, lines 61-64 and col.3, line 61 to col.4, line 59].

Regarding claims 33-34 & 38, Lilienthal discloses microprocessor (56) and the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal' [figs.3a-3d, col.3, line 61 to col.4, line 59 and col.6, lines 31-68].

Regarding claims 41-42, Lilienthal discloses a method of automatically generating sound navigational signals as a controller (2) for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's [figs.1-4, col.1, lines 61-64 and col.3, line 61 to col.4, line 59] comprising:

- a user interface with a mode selector (30,32,34) for setting from a keypad (36) input [figs.1-2, col.3, lines 55-60 and col.4, lines 31-39];
- a microprocessor (56) is connected to a control unit (40) for communicating with the mode selector (30,32,34) from the keypad (36) input and the horn (50) to facilitate the selective control of the horn [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Lilienthal does not specifically mention an installation type detector is used in the vessel's horn.

Reppas teaches a plurality of detectors which could be used in the motor vehicle for detecting approaching obstacles [col.5, lines 1-21].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Reppas in the system of Lilienthal for determining a controller installation type

Art Unit: 2636

which makes use of the existing navigational horn and horn switch as to have an additional horn signaling pattern mode selector.

Regarding claims 43-44, Lilienthal discloses a controller (2) for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's [figs.1-4, col.1, lines 61-64 and col.3, line 61 to col.4, line 59] comprising:

- a user interface with a mode selector (30,32,34) for setting from a keypad (36) input [figs.1-2, col.3, lines 55-60 and col.4, lines 31-39];
- a microprocessor (56) is connected the control unit (40) for communicating with the mode selector (30,32,34) from the keypad (36) input and the horn (50) to facilitate the selective control of the horn [fig.2, col.4, lines 31-59];
- the controller (40) is activated by the mode selector (30,34,36) or keypad input (36)) and the microcontroller (56) determines that a key was pressed [fig.2, col.4, lines 31-59 and col.6, lines 31-68].

Regarding claims 46-48, Lilienthal discloses the controller (2) includes a timer for cooperating with a vessel's existing horn (50) to automatic generate sound navigational signal's and the controller (40) is activated by the mode selector (30,34,36) or keypad input (36) which is programmable [fig.2, col.3, line 61 to col.4, line 59 and col.6, lines 31-68].

Art Unit: 2636

4. Claim 26 is rejected under 35 U.S.C. (a) as being unpatentable over Lilienthal (U.S. 5,072,362) in view of Reppas et al. (U.S. 5,598,164) further in view of Jacobs et al. (5,671,387).

Regarding claim 26, The combination of Lilienthal and Reppas is still missing a miswire protection circuit for protecting the controller from improper installation.

Jacobs teaches a technique of detecting a miswire and overvoltage in a electrical system [fig.24, col.15, lines 22-31].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Reppas and Jacobs includes a miswire circuit protection in the system of Lilienthal for protecting the controller from improper installation.

5. Claims 32 & 35-37 are rejected under 35 U.S.C. (a) as being unpatentable over Lilienthal (U.S. 5,072,362) in view of Reppas et al. (U.S. 5,598,164) further in view of Seibert et al. (4,896,623).

Regarding claims 32 & 35-37, The combination of Lilienthal and Reppas is still missing the pre signal warning is a visual signal and the visual signal is SOS pattern.

Seibert teaches a technique of using warning signal by colors or letters SOS are marked in the flags indication of an emergency at sea for help and rescue [fig.1, col.2, lines 2-24].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the

Art Unit: 2636

teaching of Reppas and Seibert includes the visual signal is SOS pattern for assistant in the emergency condition at the sea or deep water.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hashimoto et al. (U.S. 4,352,167) Method of locating sound generation within enclosure.
- Showell (U.S. 6,473,005) Marine signaling device.
- Wiggerman (U.S. 6,139,170) light and horn combination for marine use.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Examiner: Hung T. Nguyen

Date: Nov. 03, 2004